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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,688	09/23/2000	Christopher Charles McCormick	570-001us	4264
22897 DEMONT & B	7590 03/30/200 REYER, LLC	EXAMINER		
100 COMMON	IS WAY	WARDEN, JILL ALICE		
HOLMDEL, NJ 07733			ART UNIT	PAPER NUMBER
		1743		
SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
3 MO	NTHS	03/30/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

 		Application No.	Applicant(s)				
Office Action Summary		09/668,688	MCCORMICK ET	۲AL.			
		Examiner	Art Unit				
		Jill A. Warden	1743				
	The MAILING DATE of this communicat	tion appears on the cover sheet v	with the correspondence a	ddress			
Period fo	• •			.:			
WHIC - Exter after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR CHEVER IS LONGER, FROM THE MAIL nsions of time may be available under the provisions of 3 SIX (6) MONTHS from the mailing date of this communic period for reply is specified above, the maximum statuto re to reply within the set or extended period for reply will, reply received by the Office later than three months after the patent term adjustment. See 37 CFR 1.704(b).	LING DATE OF THIS COMMUN 7 CFR 1.136(a). In no event, however, may a lation. In period will apply and will expire SIX (6) MO by statute, cause the application to become a	IICATION. a reply be timely filed ONTHS from the mailing date of this ABANDONED (35 U.S.C. § 133).	\$			
Status							
1)⊠	Responsive to communication(s) filed o	on 22 August 2006		•			
·		This action is non-final.					
3)□	•		tters, prosecution as to th	e merits is			
<u>ا</u> ر	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
			,				
Dispositi	on of Claims						
4)⊠	Claim(s) <u>20,22-32 and 34-40</u> is/are pen	ding in the application.		3			
	4a) Of the above claim(s) is/are v	withdrawn from consideration.					
·	Claim(s) is/are allowed.						
•	6) Claim(s) 20,22-32 and 34-40 is/are rejected.						
8)[_	Claim(s) are subject to restriction	n and/or election requirement.	•	* •			
Applicati	on Papers						
9)	The specification is objected to by the E	xaminer.					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.							
	Applicant may not request that any objection	n to the drawing(s) be held in abeya	ance. See 37 CFR 1.85(a).				
	Replacement drawing sheet(s) including the	e correction is required if the drawin	g(s) is objected to. See 37 C	FR 1.121(d).			
11)	The oath or declaration is objected to by	the Examiner. Note the attache	ed Office Action or form P	TO-152.			
Priority u	ınder 35 U.S.C. § 119						
•	Acknowledgment is made of a claim for	foreign priority under 35 H S C	& 119(a) ₋ (d) or (f)				
_	☐ All b)☐ Some * c)☐ None of:	loreign priority under 55 5.5.5.	3 1 15(a) (a) or (i).				
u) _l	1. Certified copies of the priority doc	cuments have been received.					
	2. Certified copies of the priority doc		Application No				
	3. Copies of the certified cop		• •	l Stage			
	application from the International						
* 8	See the attached detailed Office action for	or a list of the certified copies no	t received.				
Attachmen	t(s)						
	e of References Cited (PTO-892)		Summary (PTO-413)				
2) Notic	· = · · · · · · · · · · · · · · · · · ·						
	mation Disclosure Statement(s) (PTO/SB/08) r No(s)/Mail Date	6) Other:					
•				<u> </u>			

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DETAILED ACTION

Response to Amendment

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Applicant's arguments filed 21 August 2006, with respect to the rejection(s) of claim(s) 20, 22-32 and 34-40 under 35 USC 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Schuller.

Claim Objections

Claim 34 and 35 are objected to because of the following informalities: Claim 34 is dependent on cancelled claim 33. Appropriate correction is required. For examination purposes, they will be interpreted as depending on claim 31.

Claim Rejections - 35 USC § 102/103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- 1. Determining the scope and contents of the prior art.
- 2. Ascertaining the differences between the prior art and the claims at issue.
- 3. Resolving the level of ordinary skill in the pertinent art.
- 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 20, 24, 26-29, 31-32, 34, 37 and 39 are rejected under 35 U.S.C. 102(e)as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Schuller.

Schuller teaches a chemical product commerce network. Specfically, Schuller teaches a computer system with purchasers (clients) connected through a server to a database containing chemical data for chemicals to be purchases, and a purchasing system, where the clients can purchase batches of the chemicals in the database. Schuller also teaches that in response to an inquiry from a purchaser, a sample of the product identified in the database can be tested by an intermediate and the results are made available to the purchaser. The purchaser can finalize the transaction, having the chemical purchased and shipped. With respect to the requirement recited in claim 20 that each product be tested by the testing facility, it is expected that, over time, all products available for purchase would be tested. However, if not, it would have been obvious to one of ordinary skill in the art to provide periodic testing of all products made available through the network, in order to verify product information over time.

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With respect to the inclusion of a plurality of supplier's batch information being stored in the database, and available for testing of those products, it would appear that Schuller anticipates this feature. See for example, where Schuller teaches multiple suppliers as well as multiple purchasers (column 3, line 14, et seq.) and multiple vendors contributing to the one database of product-related information (column 6, lines 56-67). As Schuller has already discussed independent testing by the intermediate, it would appear that such testing would have been available in this multiple vendor embodiment. However, if not, it would have been obvious to make such testing available in a multi-user/vendor system as an independent way to verify product information supplied, as well as to expand upon it.

Claims 22, 23, 25, 30, 35, 36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuller.

Schuller does not specifically teach:

- Outputting statistics to a subscriber,
- Pricing below a normal selling price,
- Specifically providing no information about vendor to the purchaser, and
- Ranking products based on a criteria.

One of the advantages of a database, is the storing of historical data, as well as the ability to mine that data for all types of information, including trends. It would have been obvious to one having ordinary skill in the art to employ the services of a statistician to organize historical database information in a manner useful to the owner, as well as the users of that database.

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With respect to sale items, it is in the best interest of a purchaser to determine

the reasons for a sale on a particular item, and to ensure an acceptable level of quality

for all his purchases. It would have been obvious to one having ordinary skill in the art

to perform quality testing on any item offered for sale below an average selling price to

determine if it meets the minimum standards required by the purchaser.

With respect to "white-washing" the vendor information, the best testing is done

"blind" so that no name-brand influence can occur. It would have been obvious to one

having ordinary skill in the art to test the products blindly in order to eliminate any brand

name influence.

With respect to product ranking, again, this is one of the advantages of using a

database. Data is easily reorganized to provide statistical analysis. It would have been

obvious to one having ordinary skill in the art to list product analysis in an order from

most desirable to least desirable given the specifications provided by the purchaser for

easy viewing of the analysis. Such amounts to a ranking of the products.

Conclusion

Any inquiry concerning this communication should be directed to Jill A. Warden

at telephone number (571) 272-1267.

SPE

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